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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,133	12/12/2003	Jianbo Lu	81093041(FGT 1882 PA)	1924
28549	7590	07/27/2005	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 07/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,133	Applicant(s) LU, JIANBO	
	Examiner Yonel Beaulieu	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 6, 8 – 12, and 14 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Le et al. (US 6,856,868 B1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 8, 9, 12, 14, 15, and 17, Le et al. teaches a roll stability control system for an automotive vehicle and a method operating the system, comprising an active anti-roll bar system (32; col. 3, lines 24 – 33 at least); a rollover sensing system generating/determining a roll attitude signal indicative of an impending rollover of the vehicle (col. 3, lines 6 – 12 at least); and a controller (14) coupled to the active anti-roll bar system and the rollover sensing system, the controller controlling the active anti-roll bar to prevent the vehicle from rolling over in response to the roll attitude signal (col. 3, lines 6 – 12 and col. 2, lines 48 – 53 at least); the system further comprising a brake system, the attitude being between a first and second or between second and third thresholds, and above the second threshold, to reduce a rolling moment of the vehicle (note fig. 2 provides for two-dimensional threshold and fig. 5 provides for a plurality of thresholds col. 2, lines 1 – 3; col. 3, lines 43 – 49 at least); the vehicle tire force being considered the roll stability (col. 1, lines 11 – 18 and col. 2, lines 23 – 43 at least).

Regarding claims 2 – 5, 10, and 11, Le et al. further teaches a brake actuator (within item 40) coupled to the controller which controls the front and rear active anti-roll bar system and prevents the vehicle from rolling over (col. 3, lines 33 – 43).

Regarding claims 6 and 16, Le et al. further teaches the system comprises a speed sensor for determining the vehicle speed, a lateral acceleration sensor, a roll rate sensor and a yaw rate (col. 2, lines 48 – 61 and col. 3, lines 24 – 26 at least).

Claims 7, 13 and 18 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le et al. ('868) in view of Holler (US 6,741,922 B2).

As discussed above, Le et al. teaches all of the limitations except for the wheel lift determination and the generation of an antilock brake signal, sequential or simultaneous control of the bar and the brake actuators.

However, Holler teaches, in the same field of endeavor of controlling vehicle stability, the wheel lift determination and the generation of an antilock brake signal, sequential or simultaneous control of the bar and the brake actuators (col. 2, lines 38 – 51; col. 6, lines 12 – 29; and col. 7, line 44 – col. 8, line 32 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Le et al's teaching by including the wheel lift determination and the generation of an antilock brake signal, sequential or simultaneous control of the bar and the brake actuators as evidenced by Holler in order to enhance safety. The sequential or simultaneous and the tire force vector change [using the controller] aspects are well known.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reast (US 5,217,248) teaches a roll stabilizing system in the form of an anti-roll bar.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU
AU 3661


Y. BEAULIEU
PRIMARY EXAMINER